

# **EXHIBIT 2**



Michael A. Lobatz, MD  
Andrew M. Blumenfeld, MD  
Thomas J. Chippendale, MD, PhD Emeritus  
Bilal Choudry, MD  
Laura Desadier, DO  
Benjamin M. Frishberg, MD  
Reshma Gokaldas, MD  
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Andrew Hsing, MD  
Lori Haase-Alasantro, PhD  
Jihad Jaffer, MD  
Kalyani Korabathina, MD  
Abigail Lawler, MD  
Amy Nielsen, DO  
Irene Oh, MD  
Remia Paduga, MD  
Rachit Patel, MD  
Tara Quesnell, DO

Jay Rosen, PhD  
Jay H. Rosenberg, MD  
Mark Sadoff, MD  
Gregory Sahagian, MD  
Jack D. Schim, MD  
Anchi Wang, MD  
Tracy Wang, MD

Margaret Hartig, NP  
J. Peter Heinen, PA  
Katie Hermanson, PA  
Stephanie Huang, PA  
Andrew Inocelda, PA  
Jessica Savic, PA  
Cristie Silverwood, NP  
Alicia Son, PA  
Hollis Stahl, PA

Medical Neurology  
Medical-Legal Evaluations  
Neuro-Diagnostic Testing  
Neuropsychological Testing

Neuro-Ophthalmology  
Neurologic Rehabilitation  
Sleep Medicine  
Movement Disorders

Botox Therapy  
Headache Medicine  
Epilepsy Monitoring  
Psychiatry

September 14, 2018

Lieff Cabraser Heimann & Bernstein, LLP  
Attention Wendy Fleischman Esq.  
275 Battery Street, 29<sup>th</sup> Floor  
San Francisco, CA 94111-3339

Re: [REDACTED]  
DOB: [REDACTED]  
Your Client-Matter No. 3554-0155

Dear Ms. Fleischman:

I have reviewed the following documents recently forwarded to me regarding my patient [REDACTED]

1. Objection to the Special Master's May 31, 2018 Ruling
2. Post Appeal Notice of Denial of Monetary Award Claim May 31, 2018
3. Neuropsychology Report Dean Delis PhD July 26, 2016
4. Laura Hopper Report April 16, 2018

As previously noted in my July 10, 2015 report, my patient [REDACTED] was diagnosed with the following conditions:

1. Multiple concussive injuries
2. Traumatic brain injury due to above
  - a. Cognitive impairment
    - i. Memory loss
    - ii. Impaired processing and executive function
    - iii. Impaired attention and concentration
    - iv. Tinnitus
    - v. Abnormal brain imaging
  - b. Mood disturbance
    - i. Depression
    - ii. Anxiety
    - iii. Irritability

REDACTED

RE: [REDACTED]

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3. Post-traumatic headaches
4. Sleep apnea
5. Chronic pain

These diagnoses remain unchanged. Treatment has consisted of psychiatric evaluation and provision of antidepressant therapy. While [REDACTED] mood is stable, his cognitive issues remain unchanged. My diagnoses remain unchanged.

It is my understanding that based on the 2016 testing by Dr. Delis, a question and point of appeal has arisen regarding the testing results. I also understand that Dr. Hopper, an qualified and experienced neuropsychologist has opined in her April 16, 2018 memo that the performance of [REDACTED] was affected in subsequent testing by single day testing rather than a more spread out schedule. She noted (and this appears quite reasonable), that the single day testing could result in lower scores due to fatiguing that do not accurately reflect his true abilities, thus variability that an observer might interpret inappropriately. She also notes that there were many areas of similar cognitive strengths in Dr. Delis as well as her own testing indicating a degree of congruency did exist.

Dr. Hopper addresses the effort testing and noted that after two hours of testing with Dr. Delis, [REDACTED] demeanor changed, appearing tired, frustrated, depressed, withdrawn and/or negativistic about the testing. It was her opinion that [REDACTED] efforts were sufficient on all measures of validity with one exception. She noted that on the MSVT testing that it was mis scored. Furthermore, on measures of embedded validity testing, [REDACTED] performed below expectation on only one of four measures. This one measure occurred during the time when [REDACTED] became behaviorally different with a depressed mood, fatigue, frustration and negativism.

In my own ongoing observation of [REDACTED], now at approximately four years as his treating physician, I have no doubt that he has cognitive impairments and associated impairments in the domains of memory, judgement, problem solving, home/hobbies that achieve a combined CDR of 1.5. One does not need neuropsychological testing to know this man's deficits. That said, while I have great respect for Dr. Delis, I must concur with Dr. Hopper and offer that her interpretation of the data fits with what I know about this man.

If you have any questions, please do not hesitate to call.

Sincerely yours,



Michael A. Lobatz, M.D., APC  
Diplomate, American Board of Psychiatry and Neurology

REDACTED

RE:



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Senior Neurologist, The Neurology Center  
System Medical Director, Scripps Health Neurosciences  
Medical Director Scripps Rehabilitation & Traumatic Brain Injury Programs

REDACTED